



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

July 9, 2021

OFFICE OF
GENERAL COUNSEL

Brady Dennis
The Washington Post
1301 K Street, NW
Washington, DC 20071

Re: Freedom of Information Act Request – EPA-R2-2021-005285
Expedited Processing Determination

Dear Mr. Dennis:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on July 2, 2021 in which you are seeking the following records “copy of the following documents be provided to me: Any records produced under FOIA request EPA-R2-2021-005178 , which involves an independent audit of the Limetree Bay refinery facility in St. Croix.”

EPA has received your request for expedited processing. In your justification, you asserted, “The facility's operations have had a direct impact on residents in the area, and questions remain about the public health implications.” 5 U.S.C. § 552(a)(6)(E)(i)(II) (2018). To determine whether your justification statement supports a finding of a “compelling need”, EPA must evaluate your statement as to whether there is either an urgency to inform the public about an actual or alleged Federal government activity by a person primarily engaged in disseminating information to the public, or whether a lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

While your application identifies your ability to inform the public, it does not speak to any urgency to inform the public, and it does not speak to any expectation that lack of expedited treatment would pose an imminent threat to the life or physical safety of an individual. Thus, your request does not contain the information required to support a finding that your request meets either of these criteria. Therefore, your request for expedited processing is denied. Your FOIA request will be processed as expeditiously as possible.

You may appeal this determination by email at hq.foia@epa.gov, or by mail to the EPA’s National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by

hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information [Services](#) (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact press@epa.gov.

Sincerely,

Gail Davis
Government Information Specialist
National FOIA Office